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COMMITTEE ON JUDICIARY  
January 18, 2006  
LB 841, 802, 982, 770, 826

The Committee on Judiciary met at 1:30 p.m. on Wednesday, January 18, 2006, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB 841, LB 802, LB 982, LB 770, and LB 826. Senators present: Patrick Bourne, Chairperson; Dwite Pedersen, Vice Chairperson; Ray Aguilar; Ernie Chambers; Jeanne Combs; Mike Flood; Mike Foley; and Mike Friend. Senators absent: None.

SENATOR BOURNE: Welcome to the Judiciary Committee. This is our first day of hearings. We have five bills on the agenda today. I'm Pat Bourne from Omaha. To my left is Senator Mike Flood from Norfolk; Senator Friend from Omaha; Senator Aguilar from Grand Island; the committee clerk, Laurie Vollertsen; to my right is the committee's legal counsel, Jeff Beaty; farther on my right is Senator Foley from Lincoln; and Senator Dwite Pedersen from Elkhorn. I'll introduce the other members as they arrive. Please keep in mind that senators have other duties, bills to introduce, hearings to participate in, so they may come and go during the hearing process. Please don't take that personally. They're simply conducting other business. If you plan to testify on a bill, we're going to ask that you sign in in advance at the on deck area, right there in front of Senator Stuhr. Please print your information so that it's easily readable and can be entered accurately into the permanent record. Following the introduction of each bill, I'll ask for a show of hands to see how many people plan to testify on a particular bill. We'll first hear proponents, then we will hear opponent testimony, and then there will be neutral testimony. When you come forward to testify at the chair there, please clearly state and spell your name for the record. All of our hearings are taped and then transcribed, so your spelling your name helps our transcribers immensely. Due to the large number of bills heard here in the Judiciary Committee, we utilize the Kermit Brashear memorial timing system. You'll see that on the testifier's table there in front. Senators introducing bills get five minutes to open and three minutes to close, if they choose to do so. All other testifiers get three minutes exclusive of any questions that the committee may ask. The blue light goes on at three minutes, the yellow light will come on at a one-minute warning, and then we ask you to conclude your

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testimony when the red light comes on. The rules of the Legislature state that no cell phones are allowed in committee hearings, so if you have a cell phone, please disable it so it does not ring. Also, and again due to the large number of bills the Judiciary Committee has, we will not allow you to read someone else's testimony. However, if you have someone else's testimony, if you submit it to us, we'd be glad to enter it into the record. With that, Senator Stuhr to open on Legislative Bill 841. As Senator Stuhr makes her way forward, if the proponents, those supporting the bill, will make their way forward to the on deck area and sign in, that would be appreciated. Welcome, Senator Stuhr.

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SENATOR STUHR: (Exhibit 5) Thank you, Senator Bourne and members of the Judiciary Committee. For the record, my name is Senator Elaine Stuhr, S-t-u-h-r, and I represent the 24th Legislative District. I am here today to introduce LB 841. LB 841 would allow for newborn infants to be left anonymously with a safe haven provider. The newborn infant would have to be 72 years old (sic) or younger, unharmed, and the parent leaving the child must not express an intent to return for the newborn infant. For the purpose of this act, a safe haven provider would mean a firefighter who is on duty, an emergency medical technician who is on duty, a staff member at a healthcare institution that is licensed by the Department of Health and Human Services as a hospital or a substance abuse treatment center, or a staff member who is on duty at a child placement agency licensed by the Department of Health and Human Services. LB 841 would also provide that a person leaving a child with the safe haven provider would not be guilty of child abuse solely for leaving an unharmed newborn infant with a safe haven provider. I introduce this bill because I believe if it saves the life of one infant, it is well worth it. I wanted to make sure that the committee was aware of some of the statistics regarding infant abandonment. Homicide is the fifteenth leading cause of death during infancy in the United States. Additionally, the risk of infant homicide is greatest on the day of the birth of a child. In fact, it is ten times greater than the rate during any other time in life. Additionally, among homicides on the first day of

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life, 95 percent of the victims are not born in a hospital. I believe these statistics say a lot about the need for passing this legislation. I do believe that education is very important aspect of this issue and I want to thank the many organizations and groups who have worked on education since the last time a similar bill dealing with this issue was introduced, and that was back in 2003. At this time, it is my understanding that 46 other states have safe haven laws in place. Although no one wants women to abandon their children in any manner, I do believe that there are women who choose to take this path. And I believe it is important that there is an option for them to leave their child in a safe place. I have several letters to enter into the record, and I think all of you have received a packet of those letters. One letter is from the National Safe Haven Alliance, another from the Save Abandoned Babies Foundation, another letter from the National Council for Adoption, and I believe that the committee, possibly over the noonhour, did receive another letter from the Nebraska State Volunteer Firefighters Association. (Exhibit 1) In an ideal world, we wouldn't hear about newborn infants being left to die in trash cans, in dumpsters, rivers, or in shallow graves. However, it is not an ideal world, and we need to take responsible action to do what we can to save these innocent infants. If one newborn baby is saved, isn't it worth it? And this is a matter of life or death. And I thank you for your consideration and would be happy to answer any questions.

SENATOR BOURNE: (Exhibit 2) Thank you, Senator Stuhr. We've been joined by Senator Combs. Senator Combs is from Milligan. Those letters you referred to will be entered into the record. We also have a letter from Nebraska Department of Health and Human Services outlining some concerns with the bill. Have you seen a copy of that?

SENATOR STUHR: No, I have not.

SENATOR BOURNE: Okay. I'll have a page give that to you so maybe you can address it in the close. With that, questions? Senator Foley.

SENATOR FOLEY: Thank you, Chairman Bourne. Thank you, Senator Stuhr, for offering the bill. Let's say that a woman brings a baby to one of these safe haven locations and

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indicates to the firefighter on duty, you know, I'm not going to be able to care for this child so there he or she is, and she dashes away. At what point could she come back and say, I've had a change of heart and I do want the baby?

SENATOR STUHR: The bill provides for 30 days in which...

SENATOR FOLEY: Okay, let's say it's the 31st day. Has she lost her parental rights at the 31st day?

SENATOR STUHR: The bill specifically does give that window of opportunity of 30 days and I think that's....

SENATOR FOLEY: So after 30 days...

SENATOR STUHR: ...where there would have to be some education.

SENATOR FOLEY: ...that child could be legally adopted by another person or couple.

SENATOR STUHR: Yes. Yes.

SENATOR FOLEY: And on the 31st day, she cannot have a change of, or she can have a change of heart, but it wouldn't do her any good because she can't, she's lost her rights.

SENATOR STUHR: Right.

SENATOR FOLEY: Okay. Is that typical of how these laws work in other states?

SENATOR STUHR: I believe it is, although when we first introduced the bill two years ago, we did not provide any window of opportunity.

SENATOR FOLEY: Oh really.

SENATOR STUHR: And so we, you know, have made some concessions to compromising and to try and, you know, work...

SENATOR FOLEY: Sure.

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SENATOR STUHR: ...in allowing, because I think it is important to narrow the time frame down somewhat so that, you know, you would not let this go on for weeks and weeks and weeks or months, but...

SENATOR FOLEY: Okay. Thank you for that clarification.

SENATOR STUHR: Yes.

SENATOR BOURNE: Further questions for Senator Stuhr? Senator Stuhr, I have a quick question. My wife and I are expecting. What would happen if, unbeknownst to me, Renee, my wife, were to leave our infant at the fire station? What would happen to my parental rights? Is it the 30 days you referred to for the mom?

SENATOR STUHR: If you were aware that it was your baby, I believe you would have 30 days, yes, to claim the infant.

SENATOR BOURNE: What if it's a, say, a boyfriend-girlfriend situation and, or maybe, I know this happens, what happens if it's my girlfriend and I didn't realize she was pregnant, and then after she left the baby at the fire station, I find out 31 days later that she did that, that I didn't even know she was pregnant? So nine months and...what would happen to my parental rights as a, I admittedly would not be a very good father, but I'm just questioning what would happen to my parental rights?

SENATOR STUHR: Right. I guess we have to look at it, if there was not this opportunity, she may have disposed of the baby in a trash can. So, you know, I think that, again, it's an education issue that we will, you know, try to also provide when we are doing education in relationship to the safe haven legislation.

SENATOR BOURNE: Understood. Thank you. Further questions? Senator Flood.

SENATOR FLOOD: Thank you, Chairman Bourne. Senator Stuhr, I want to thank you for bringing the bill. In Norfolk, we had a baby that was dropped into the gulch, presumably from a situation like this, so this is an important issue. Would you be open to an amendment from this committee that made every effort to protect the parental rights of a parent, and

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yet still allow for a baby to be dropped off?

SENATOR STUHR: Yes, I would.

SENATOR FLOOD: Okay.

SENATOR STUHR: You know, I think that's, I do think that's important.

SENATOR FLOOD: Obviously it wouldn't, you know, abandonment of a baby, six months afterwards, there's significant issues for a parent to come back. But if we were to lengthen that time and to make some amendments at the committee level that would at least provide a parent that wasn't notified of an opportunity to make a request, you're not tied to the 30-day date.

SENATOR STUHR: No. No. I'm not.

SENATOR FLOOD: Okay.

SENATOR STUHR: I would certainly be open to, you know, discussion.

SENATOR FLOOD: Thank you very much.

SENATOR BOURNE: Further questions? Seeing none, thank you.

SENATOR STUHR: Thank you.

SENATOR BOURNE: Could we have the first testifier in support of Legislative Bill 841? Are there other, could I get a showing of hands of those here wishing to testify in support of this bill? Support, come forward. Are there any other supporters of the bill? Are there any opponents to this bill? Okay, if those people, the opponents, would make their way forward and use the on-deck area and sign in, please? Whenever you're ready. Welcome.

HEIDI SWANSON: (Exhibit 9) Okay. My name is Heidi Swanson, H-e-i-d-i S-w-a-n-s-o-n. The state of Nebraska is just one of the few states left that do not offer a safe place for mothers to relinquish their newborn babies anonymously and/or without prosecution. I believe the goal of the bill is to keep the infant alive and to allow the

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mother time to come to terms with having a baby. My heart goes out to the mother who feels so trapped she doesn't know what to do. I've been there. I know how easily it is to make a decision that can be regretted for a lifetime. I believe the mother needs to be reached and helped, but sometimes they just can't receive it, or she hides it, and no one knows. But if she is given the opportunity to stay anonymous and to take her infant to a safe haven rather than dumping, she will at least have a chance to recover and to come to terms with her situation. If she dumps her small infant, the decision can never be reversed, and one life is gone and another one is hurt forever. Once the baby is turned over to safe haven, the mother has the opportunity to come back to claim her baby. I understand there are concerns about the mothers' and fathers' rights regarding adoption. They are tough concerns. But without safe haven, will there even be a baby to argue those rights over? I spoke with Tim Jaccard who wrote the original safe haven laws and works with the New York and Massachusetts crisis centers. He said they try their best to find the parents by putting out ads, checking putative fathers lists, and missing and exploited children lists during the preadoption phase. The parental concerns can be great when adopting a baby with no medical or biological family background. In the best of circumstances, it would be wonderful to have all those questions answered while the child is growing up. But even if those questions do not have answers, they will at least have a lifetime to try to find the answers. If the roadblock to that mother who is debating to dump her baby in a dumpster or taking it to a safe haven is anonymity, do we want those questions to stand in the road of that child living? If the baby is taken to safe haven, there is at least and mostly hope that maybe that information will be supplied later. There are examples of that happening in other states. Sometimes, I think we get lost in remembering what is important. Mothers' rights, fathers' rights, right to privacy, states' rights, but what we need to always protect is the right to live. With life, we then have opportunity and the time to figure out the rest. Thank you for your time.

SENATOR BOURNE: Thank you. Are there questions for Miss Swanson? Seeing none, thank you. Let me try one last time. Are there any other testifiers in support of the bill? Seeing none, with that, we'll move to the opposition.

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Will the first testifier in opposition to the bill please come forward and, again, any other opponents, if you'd make your way forward and use the on-deck area, I'd appreciate it.

DAVID BUNTAIN: (Exhibits 6, 7) Senator Bourne, members of the committee, my name is David Buntain, B-u-n-t-a-i-n. I'm an attorney and a registered lobbyist for the Nebraska Medical Association. I will keep my remarks brief. I am distributing today copies of two documents. One of them is a letter from my partner, Susan Sapp, who is an adoption attorney, who has been very involved in this issue in the past. Unfortunately, she had a meeting in Kearney, I'm sorry, in Kansas City today and could not be here. But her letter, I think, describes some of the problems that she sees from the standpoint of her practice in the adoption area. We've also distributed a copy of a report that was done by the Nebraska Medical Association. It's actually dated September of 2003, and this was at a time when it had been proposed that the NMA be a proponent of the Safe Haven Act. And I think, as you will see in reading these two documents, our concerns are clearly what's best for the child. And our concern is that there is really no evidence that safe haven acts accomplish the purpose for which they have been passed. And clearly, all of us, I think, have the same goal, which is to do everything we can to encourage mothers to make good decisions at a time when it's often an emotional crisis for them. And part of what's happened in the three years since we did this report is there's been a lot of work, and Senator Stuhr mentioned, the groups that are interested in this have been working to get education out to front line medical providers about the options that are available through our adoption services. And we feel that that's a better approach. There will be people testifying after me who can speak to that better than I can because they're involved in the process. But...I've indicated to Senator Stuhr, we will continue to work with her and with the committee on this, and if there is a way to address the concerns that are expressed in the documents I've distributed, we'd be happy to do so.

SENATOR BOURNE: Thank you. Questions for Mr. Buntain? Mr. Buntain, is there a way to make it better?

DAVID BUNTAIN: Well, I think the real question is, do we



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really need it at this point and does it create problems without really solving problems? And I'm never one to say you can't do it, I'm not sure. I mean, I don't...I think you'd want to get the adoption agencies and the attorneys who work in this area involved in the process, and we would be supportive of that.

SENATOR BOURNE: Thank you. Further questions? Senator Aguilar.

SENATOR AGUILAR: Yes, thank you. Thank you, Mr. Buntain. I just want to bring up a theoretical question here. You talked about how it is a better situation if you could educate the mother into a better course of action. Do you really think that today with the use and abuse of methamphetamine throughout, especially with unwed mothers in many situations, that you can educate a person like that to make the right decision, or would it not be better to have an alternative?

DAVID BUNTAIN: I guess my answer to that would be, I'm not sure that if someone is in that condition that there's going to be an awareness of this as being an option, either. I mean, you basically, even in order to take advantage of the safe haven law, you have to understand that that is available to you. I think...part of our concern is that it makes it, it could make it an easy out for people when there are other entities such as adoption agencies, such as primary care practitioners, that are in much better position to deal with these situations than a fire station or, you know, another public body, so...I mean, clearly, no matter how you set it up, you know, if you're dealing with people that are not able to make reasoned decisions, it's going to be a challenge.

SENATOR AGUILAR: Thank you.

SENATOR BOURNE: Thank you. The committee has been joined by Senator Chambers from Omaha. I apologize to the committee members for not having your books out here. It's a first day road bump. Mr. Buntain, I think there's other questions.

DAVID BUNTAIN: Oh, I'm sorry.

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SENATOR BOURNE: Senator Combs.

SENATOR COMBS: Hi.

DAVID BUNTAIN: Yes.

SENATOR COMBS: Thank you, Mr. Buntain. I was just wondering, if the window of 30 days could be made longer, would that make it any more amenable to you?

DAVID BUNTAIN: Well, part of the problem is any window that you set, you're putting that infant in limbo and putting them into some temporary situation, you know, at a time that's extremely critical in that child's life, both as to their health and their emotional well-being. So, I mean, it solves maybe some of the problems as far as notification, but I think it creates other risks for the children. And again, I think someone who follows me can also address what the practicalities are in dealing with young infants that are being adopted.

SENATOR BOURNE: Further questions for Mr. Buntain? Seeing none, thank you.

DAVID BUNTAIN: Thank you.

SENATOR BOURNE: Next testifier in opposition. If there are other opponents, if you'd make your way forward to the on-deck area and sign in. Welcome.

BOB BRANDT: (Exhibit 8) Thank you. My name is Bob Brandt, B-r-a-n-d-t. I'm the executive director of the Nebraska Children's Home Society and I commend the senators for their interest in the safety of children. The abandonment of newborn babies has been a concern in this country in recent years. Texas passed the first safe haven bill in 1999, and several other states followed with similar legislation. Soon, laws legalizing infant abandonment swept the country, but with very little study or analysis. As a result, these safe haven laws now offer mixed reviews, confusion, and, often, unintended negative consequences. Nebraska is one of four states without a safe haven law. However, we are not without a safe haven program. We have not sat passively during the time other states were passing laws. The Nebraska Children's Home, a statewide nonprofit

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organization, initiated a successful similar program in Nebraska several years ago. When the first laws were being written in Texas, the Children's Home initiated a statewide 24-hour, 365-day-a-year hot line for unplanned pregnancies answered by an NCHS social worker. We have a network of safe, temporary cradle care homes across the state. We work with Nebraska schools on an adoption awareness program. We partner with the Nebraska Medical Association in supplying information to doctors and hospitals for their high-risk pregnancy patients. NCHS began a statewide billboard campaign in the fall of 2004 publicizing our hot line number. This year, we are collaborating with seven other agencies to raise awareness of services available to those experiencing unplanned pregnancies and to help prevent such occurrences. Our program does not legalize infant abandonment, but rather works within the parameters of the present laws. It does not move more children into the overworked HHS foster care system. We receive approximately 600 hot line calls annually on this line and have worked successfully with what we determined 50 extremely high-risk cases. However, in August of 2004, an abandoned infant did die near Norfolk. The loss of even one child is too many. We have more work to do. Nebraska is a safe haven state. Results of our program indicate as much, if not more success than states with the laws and without the unintended negative consequences. We do not need to pass LB 841 and duplicate an already proven program. Rather, let's analyze what we have in place. Unlike other states that encourage abandonment, we have moved forward to discourage it. Time and resources are spent on education and advertising, promoting positive choices for children. We recognize that we may not reach every high-risk mom in denial, but we continue to try. A child may still be abandoned in Nebraska. We hope not. However, we have instituted a thoughtful and carefully implemented plan. We hope it prevents infant abandonment and saves babies' lives. Please take the time to look over the two-page document on the analysis of our present program that I passed out to you before taking any action on this bill. Thank you.

SENATOR BOURNE: Thank you. Questions for Mr. Brandt?  
Senator Flood.

SENATOR FLOOD: Thank you, Chairman Bourne. Mr. Brandt, thank you for your testimony. What efforts is your agency

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making to connect with individuals that don't speak English?

BOB BRANDT: We've had a couple of situations just like that, just this fall, actually. And when we get the call, we have access to Hispanic speaking, and we've been able to work with those people. We had a situation down in Crete this past fall with a young lady in a crisis situation. We were able to get someone there to her and talk to her and do some counseling with her. And, as a result, what we find is there's a trauma time immediately, and if we can get them to visit and put baby in safe care, just temporary safe cradle care, and have time to visit, then they can come back. She now has decided to make an adoptive plan for her child.

SENATOR FLOOD: I guess I say that because I was there and I watched as a firefighter handed a little baby's body that had been dead over to a police officer out of a gulch on First Street in Norfolk. And what struck me, as the case was processed, is that we have a lot of Latino citizens that may not be citizens of our country, and they're afraid to talk to anybody about what their situation is for fear that something bad could happen to them, deportation, arrest...I guess, I think it goes beyond our high schools and I think it goes beyond the normal ways that we educate women on what their options are. My question to you, specifically, is isn't there some way that someone who's that scared can go to the fire station or the hospital and have no questions asked and treat that child as if he or she was a lost child at a shopping center? And then, if we amended the bill to make the state or whoever begin a search to find that parent again and to say, we've got this youngster here, this is the description, and then check the DNA and make every effort reasonable to put the pieces back together so that we don't have any babies in the gulch? I'm not saying this bill is the exact, right-on answer, but I think there is an answer somewhere where a fire station or a hospital works. Because when you watch that scene in Norfolk, I can tell you it's had quite an effect on our citizens. This bill seems to make a lot of sense when you've got little babies' bodies in a river. Isn't there a way we can do this without causing concern, you know, if we try and put the pieces back together later?

BOB BRANDT: Well, it would be great if we could.

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SENATOR FLOOD: Yeah.

BOB BRANDT: You know, I've attended safe haven conferences across the country.

SENATOR FLOOD: Yeah.

BOB BRANDT: And you know, there's a map of the United States that shows the safe haven states and the big dot in the middle is Nebraska that doesn't have the law.

SENATOR FLOOD: Yeah.

BOB BRANDT: And so when I've presented and shown them what we are doing, each one of them end up saying we do have safe haven here. Let's just continue to work harder to try to make it within the laws that we have. So if there's a way to do it that we can protect those people, it just continues to be more education, it continues to be more avenues, more ways to do it, I don't think HHS needs to be involved. I don't think the child needs to go into the system. We don't prosecute those young ladies now if they bring their baby anywhere. If their baby is healthy, we don't prosecute now, so avoiding prosecution seems like almost a nonissue also. So the point being, let's do it within the framework of the laws that we have in place at this time. Let's just continue to continue to find more avenues of educating our people. And that Latino population is a huge population, and you know, sometimes there's some issues there that maybe we have to look at from a different point of view to get more people involved in the process. We're willing to work with anybody.

SENATOR FLOOD: I would, and I don't know, we don't have enough facts about what happened in Norfolk. I certainly wasn't involved in that angle. I know that Senator Aguilar in Grand Island, he also has a large Latino population. We both have a similar population. I worry about those women being afraid to even call 911 or seek help. That's the area that concerns, I think, my district the most.

BOB BRANDT: They may be, if they were aware that they were calling a nongovernment agency, they may be more apt to call a hot line number than a government agency if they're in the situation you were talking about, here illegally or just not

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understanding the situation.

SENATOR FLOOD: I'm not convinced that they're trusting of anybody in that situation.

BOB BRANDT: Well, that's what we'd have to work whether we have the law or have the program we have right now. We have to work on that. It's one of the challenges.

SENATOR FLOOD: Thank you very much.

SENATOR BOURNE: Further questions? Senator Aguilar.

SENATOR AGUILAR: Just a quick follow-up to where Senator Flood was going. You made the statement that it's a nonissue as far as worrying about prosecution or anything like that. I'd point out that it's a nonissue to you. It's not to them. That's their fear. That's what they live with. They will fear prosecution of deportation. It's there and it's real. It may be a nonissue to you, and I understand your statement from that perspective, but it's not to them.

BOB BRANDT: And my statement, Senator, was simply that we don't prosecute now, to the ones that do come to us.

SENATOR AGUILAR: I understand.

SENATOR BOURNE: Further questions? Senator Foley.

SENATOR FOLEY: Thank you, Chairman Bourne. Thank you, Mr. Brandt, for your testimony today. There's two key thresholds in the bill. The first is a 72-hour rule. The child must be 72 hours or younger. And the other is the 30-day rule regarding the loss of parental rights. And if we go forward with this bill, I'm just wondering if those two key thresholds are consistent with what's happening across the country to the extent that you have?

BOB BRANDT: There really is wide variables in those. Some are extending the age of the child to a later time.

SENATOR FOLEY: To an older child?

BOB BRANDT: To an older child, but not...they still remain

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infant.

SENATOR FOLEY: Yeah.

BOB BRANDT: But there is some leeway in that area. The 30 days, I would say there's, that's probably more liberal than a lot of them are, a lot of the bills, or the laws that are out there.

SENATOR FOLEY: So there are states where you could lose your parental rights within a week or so?

BOB BRANDT: Some of them have no provision and others have some room in there. What we do with ours is that a young one comes in, we put them in cradle care. It's simply a time and we wait, and we provide the care for them in an approved home until such time that we get a chance to visit with them again. And typically what we've had in just a large percentage of cases is, after the trauma of that initial birth and time is over, they come back and they visit and they may make a plan. And it's documented in the sheets that I gave you how many actually chose to come back and want to parent, how many wanted to make a plan.

SENATOR FOLEY: You've had cases, then, where someone might come back after 30 days?

BOB BRANDT: Yeah, we don't deal with the 30 days at all in our program.

SENATOR FOLEY: I know, but you've had cases where that's happened...

BOB BRANDT: Yes. Yes.

SENATOR FOLEY: ...and the woman says, things are different now. My situation has improved. I think I can care for this child.

BOB BRANDT: And then our workers work with them and make sure that that's true, that we're not putting that child at risk.

SENATOR FOLEY: Right. Right. Thank you.

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SENATOR BOURNE: Further questions? Seeing none, thank you, Mr. Brandt. Appreciate your testimony.

BOB BRANDT: Thank you.

SENATOR BOURNE: Next testifier in opposition. Welcome.

GRACE SUNDERMEIER: (Exhibit 10) Hi. My name is Grace Sundermeier and I'm a licensed mental health practitioner. I work at Catholic Charities in Omaha. This came up so quickly, I wasn't able to get my senior director, so I put down "self."

SENATOR BOURNE: Excuse me, one second. Could you spell your last name for the record?

GRACE SUNDERMEIER: Yes. My spelling is S-u-n-d-e-r-m-e-i-e-r.

SENATOR BOURNE: Thank you very much.

GRACE SUNDERMEIER: I have worked with young persons experiencing an untimely pregnancy for many years. Our program is called Children's Services and I've been there 30 years. I see baby abandonment as a large step backwards in the effort to help families deal with the crisis of an unplanned pregnancy. LB 841 could encourage unsafe infant delivery, which could endanger the lives of both mother and child. It says to the people that unplanned pregnancy is so shameful that running away is an acceptable option, one approved by the state legislature. It says that fathers and extended families have no rights to this child. All of the progress in making adoption a more humane process, in proper notification of the father, and in crafting the laws that make adoption a permanent decision could be put at risk. Desperate people abandon babies, persons not likely to research legislation and become educated on the correct way to abandon a baby. For information on this legislation to reach the entire population, considerable funding from our state would have to be put in place to educate the public on how to properly abandon a baby without fear of prosecution. In Texas, thousands of dollars were spent in an effort to inform the public on how to abandon a baby without fear of prosecution. Licensed adoption agencies in Nebraska are safe havens. Confidentiality is guaranteed and the parents



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are treated with care and respect. A safe plan is put into place for the baby. Babies left in police stations, hospitals, and fire stations will experience long-term foster care, legal uncertainty, and will be deprived of all ties to their families of origins. While LB 841 would satisfy the needs of many for an immediate solution, it offers little which will help frightened adolescents and desperate women at risk of abuse, women with mental health problems, nor will it effectively help children born into a crisis situation. I believe that the state's resources would be better used by educating the public about the services available through the state, meaning all of the state's licensed adoption agencies, than by promoting the practice of abandonment of our children.

SENATOR BOURNE: Thank you. Are there questions for Miss Sundermeier? Seeing none, thank you, appreciate your testimony.

GRACE SUNDERMEIER: May I leave copies?

SENATOR BOURNE: Certainly. If you'd just leave them on the desk, the page will distribute them and we'll make them part of the record.

GRACE SUNDERMEIER: Okay. Okay.

SENATOR BOURNE: Thank you.

GRACE SUNDERMEIER: Um-hum.

SENATOR BOURNE: Other testifiers in opposition to this bill? Are there any individuals wishing to speak in a neutral manner on the bill? Senator Stuhr to close.

SENATOR STUHR: I'd like to thank the committee for their attention on this issue, but I did also want to share a personal experience regarding what adoption agencies refer to as a current safe haven. When we introduced this bill in 2003 and again today, they shared with us that women could already receive confidential services through these adoption agencies. I have visited extensively with a young woman who attempted to contact the Nebraska Children's Home via a third party in order to have some of her adoption questions answered, and the third party was informed that they would

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not work with her unless they had her name and address and unless she sought counseling through their office. Fortunately, this young woman had a strong support system and had her questions answered by a private attorney. But I know that she will agree with me that with these types of policies in place, there are no anonymous services available. This bill does not encourage abandonment of infants. What we are trying to do is at least save the life of one child if this legislation would pass. Since bills have been adopted and passed in other states, over 600 babies have been saved, and that's over a hundred a year. So we know that, yes, if we could have all of the education, that would be wonderful. But we don't live in a perfect world, and so if we can at least reach out and provide some assistance, we hope that you will take this into consideration. And I'd certainly be able to work with the committee on any amendments that you would like to make. Thank you.

SENATOR BOURNE: Thank you. Are there questions for Senator Stuhr? Senator Chambers.

SENATOR CHAMBERS: Just one, Senator Stuhr. Whoever compiled those figures about the number of babies that had been abandoned pursuant to a law like this, did they provide any follow up information on each one of those children to show what had happened to the child afterward?

SENATOR STUHR: I don't know, Senator Chambers.

SENATOR CHAMBERS: But the mere fact that some were abandoned pursuant to one of these bills where there would be no prosecution does not tell us that these children were put in a safe environment and that their life was better as a result of it. That information was not included in whatever, whoever compiled those figures provided?

SENATOR STUHR: Not that I'm aware of.

SENATOR CHAMBERS: And I'm not faulting you for it.

SENATOR STUHR: Right.

SENATOR CHAMBERS: I just wanted...

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SENATOR STUHR: Right.

SENATOR CHAMBERS: ...to see if it was there.

SENATOR STUHR: Yes.

SENATOR CHAMBERS: That's all that I have, though. Thank you.

SENATOR STUHR: And I think it's probably in the fact that most of these laws have just been passed since 1999, so I don't know, you know, how much information is available at this time.

SENATOR CHAMBERS: That's all that I have.

SENATOR BOURNE: Further questions? Senator Aguilar.

SENATOR AGUILAR: Just a point, Senator Stuhr. You heard testimony, as I did, that it would be very costly to notify the public if this legislation were passed. And I'd just like to say, I know from where I'm from, you know, the news media will be more than happy to do public service announcements when it's an issue as important as this at no cost at all.

SENATOR STUHR: And I would hope that the adoption agencies would continue to do the education that they are doing now. And because eventually, these children will probably be adopted, so, you know, I agree with you. There's a great deal of interest.

SENATOR BOURNE: Thank you. Further questions for Senator Stuhr? Seeing none, thank you. That will conclude the hearing on Legislative Bill 841. (See also Exhibits 3, 4) Senator Cunningham to open on Legislative Bill 802. How many individuals in the audience are wishing to speak in support of Legislative Bill 802? I see one. Are there any individuals here wishing to speak in opposition to this next measure?

SENATOR CHAMBERS: I will if you need somebody.

SENATOR BOURNE: Yeah, we need somebody to speak in opposition. No. I see one supporter. Do we have any

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opponents to the bill? I see none, Senator Cunningham. With that, Senator Cunningham to open on Legislative Bill 802.

LB 802

SENATOR CUNNINGHAM: Well, good afternoon, Senator Bourne and members of the Judiciary Committee. My name is Doug Cunningham, C-u-n-n-i-n-g-h-a-m, State Senator representing the 40th Legislative District. I'm here today to introduce LB 802, which establishes an abstract marriage license. The abstract marriage license is a marriage license without the signatures. The removal of requirements for signatures on marriage licenses permits the marriage license to be electronically filed directly to the state without the purchase of separate software licenses to capture electronic signatures for the county clerks, the bride and groom, witnesses, and ministers. The abstract license will serve as the standard record of issuance for the state. County clerks will continue to issue the full marriage licenses and the Nebraska Health and Human Services System will issue full marriage licenses on request. The electronic registration of marriage licenses enhances the efficiencies of state government. Specifically, the benefit of the electronic registration of the abstract marriage license will be that the marriage data will only need to be entered into the database once, at the county clerk's office, and it will be immediately accessible for programmatic usage. I have introduced this bill at the request of the Nebraska Health and Human Services System. Chris Peterson, the Policy Secretary for HHS, will testify following me. And as I understand, there are two employees from Vital Statistics available in case you have any technical questions.

SENATOR BOURNE: Thank you. Questions for Senator Cunningham? Doug, would you be opposed if we added a definition to the bill that says what an abstract of marriage is?

SENATOR CUNNINGHAM: No, I wouldn't, and I believe there's already an amendment prepared to do that.

SENATOR BOURNE: Okay. Further questions? Thank you.

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SENATOR CUNNINGHAM: Thank you.

SENATOR BOURNE: First testifier in support. Welcome.

CHRIS PETERSON: (Exhibits 11 and 12) Good afternoon, Senator Bourne and members of the Judiciary Committee. I am Christine Peterson, P-e-t-e-r-s-o-n, Policy Secretary for the Health and Human Services System. And I'd like to thank Senator Cunningham for introducing this bill on behalf of the Health and Human Services System, and I am here to testify in support of LB 802. In an effort to continue automation of Nebraska's electronic registration of the vital events system, we propose to establish an abstract marriage license. And I'd like to thank Senator Pedersen, who actually started our three-stage process back with a constituent concern he had regarding a birth certificate. This is the third of the final stage. The first we had was the electronic filings of birth certificates, which is complete. Now we're in the process of going live with the death certificate. I know that's kind of a...anyway. Then we have the marriage certificate process, which we're going through now. And what this would do is the abstract marriage license, which is the marriage license minus signatures, would serve as the standard record of issuance for the state. County clerks would continue to issue the full marriage license and HHS would issue full marriage licenses on request. Currently, as it stands now, the original marriage certificate is sent to us. We keep it at the State Office Building. They keep a copy and upon request will issue that full license. You have two samples in your packet that show you what the example of the current marriage certificate is, which is the long version there that has the witnesses at the bottom, as well as a draft of the abstract of marriage. The removal of requirements for signatures on marriage licenses would permit the marriage license to be filed directly with the state electronically without the purchase of separate software licenses to capture electronic signatures for the county clerks, bride and groom, witnesses, and ministers. Agencies wanting a document establishing the fact of marriage with certification would receive the abstract. Agencies wanting and requesting a full size record could receive it. Only records established after the implementation date would be issued as abstracts. The benefit of the electronic registration of the marriage license would be that the

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marriage data would only need to be entered into the database once at the county clerk's office, and would be immediately accessible for programmatic usage. Although the data will be received electronically and by paper, we believe that the benefits of receiving the data electronically and issuing these records from the database far outweigh the current system. We would like to add an amendment upon the advice from the senator's office, and that is included with your packet, how we are defining the abstract. I would like to thank you and I'd be happy answer any questions that you may have.

SENATOR BOURNE: Thank you. Questions for Ms. Peterson? The way the bill is drafted, it would go into effect sometime in July. Is that enough time for HHS to get...to implement it, or should there be a...

CHRIS PETERSON: We would have to go through a rule and reg process, so we would begin that right away, and hopefully have those move consecutively through the process.

SENATOR BOURNE: Okay, so we don't need a delayed implementation date or anything? You're okay with July?

CHRIS PETERSON: At this time, Senator, I don't think so, but I can check on that for you.

SENATOR BOURNE: Thank you. Further questions? Seeing none, thank you.

CHRIS PETERSON: Thank you.

SENATOR BOURNE: Other testifiers in support? Are there testifiers in opposition? Testifiers neutral? Senator Cunningham waives closing. That will conclude the hearing on Legislative Bill 802. Senator Thompson is here to open on Legislative Bill 982. As Senator Thompson makes her way to the stage, are there individuals here wishing to testify in support of this next measure? I see two. Are there any opponents? I see none. Thank you for using the on-deck area. Senator Thompson, welcome.

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LB 982

SENATOR THOMPSON: Thank you, Mr. Chairman, members of the committee. LB 982 is a bill I introduced on behalf of the Nebraska Association of County Officials. I was telling Doug as I was walking down here, I was thinking of two different children's games, and one is the one where you move the tiles around to make everything match up, and because we have bills referenced to other committees and things that could happen, this is a piece of that puzzle that the county officials need, and you'll hear...and I'll explain to you why, and they'll come up. The other is the game where you choose up sides and there's an uneven number and somebody gets left behind, and they kind of got left behind in some of the planning for this, so let me explain what's going on. This would increase the marriage license fee from \$15 to \$25. The cost of certified copies of marriage licenses provided by counties would increase from \$5 to \$8. The Department of Health and Human Services Vital Records Management Section is updating the processing of electronic records, and to help offset those costs, there's a bill that's going to be heard Thursday by the Health and Human Services Committee to increase the fees for certified copies of birth certificates, death, marriage, annulment, dissolution records. As proposed in that bill, LB 950, the fee for certified copies of these records provided by the state would increase from \$7 to \$11, but they didn't increase the fee for counties in that bill. So counties are bringing this proposal forward so that they can cover their costs that would result from it. There's another bill, which you've either heard or will hear today, LB 802, which authorizes abstracts of marriage licenses to serve as the official record of the state in place of certified copies. This would also facilitate entry of data by county clerks into the state's new database by not requiring signatures of marriage licenses, so filing could be done electronically. County clerks would continue to issue the full marriage license with signatures in the county. Under the state's new computer system, county clerks would enter the basic marriage data into the electronic system. Currently, this information is entered by the county clerk and then re-entered by the department. As in the past, the department would review the information for approval or rejection, but under the new system, no additional data entry would be needed. The last time marriage license fees were increased was in 1995, and they increased from \$10 to \$15. The \$10 fee was instituted when county clerks took

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over marriage license issuance from county courts in 1986, and the \$5 fee for certified copies was first initiated in 1988. And that's the story.

SENATOR BOURNE: Thank you. Questions for Senator Thompson? Senator Foley.

SENATOR FOLEY: The bill enhances revenue for counties. Do they have a particular use in mind for the money, or would it just go into their general fund?

SENATOR THOMPSON: I think it's to offset costs, but there are people here who will explain that. It's not to set aside a separate fund. It's to cover costs.

SENATOR FOLEY: Right. And the state, there's nothing in this for the state, revenue-wise?

SENATOR THOMPSON: No.

SENATOR BOURNE: Thank you. Further questions? Seeing none, thank you, Senator Thompson.

SENATOR THOMPSON: And I will waive closing, if...

SENATOR BOURNE: Okay.

SENATOR THOMPSON: ...and head back to Appropriations, so...

SENATOR BOURNE: We'll take good care of it for you.

SENATOR THOMPSON: ...I just don't want them to spend money while I'm not there to help. (Laughter)

SENATOR BOURNE: First...unless it's on our cause, or my cause, anyway.

SENATOR THOMPSON: Yeah, my cause.

SENATOR BOURNE: That's right. First testifier in support.

SHERRY SCHWEITZER: (Exhibit 13) Good afternoon. My name is Sherry Schweitzer. That is S-c-h-w-e-i-t-z-e-r. I am the Seward County Clerk. We have a variety of issues that county clerks process, and a lot of my colleagues and I



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today are actually over at another training for elections for our new scanning machines coming up. And I was there, too, until a few moments ago. Today, though, I'm going to give you information about marriage licenses, another duty. County clerks first started issuing marriage licenses in 1987. I'm not sure why county clerks received another duty back then. Nonetheless, we now have been doing them for almost 20 years. The cost back then when we started issuing them was \$10, and in 1995, the fee went up to \$15. But that has been 11 years ago. Let me clue you in now on the process to get a license these days. A couple comes in, we take them to a room that is not really open to the public since a few of the questions we have to ask are confidential. The couple is asked a total of 40 questions. Most clerks hand write the answers on a photocopy, and then we either use a computer program such as mine, or if they hand type an official license. We make a couple of copies of it, and then process what is called a keepsake. This is a document that the couple keeps after they are married. The actual license and those copies that we give them is sent back to us. We record the officiant's name, address, witnesses, their address, and then we send it all back, or send it all in to vital records here in Lincoln. We also have to note each marriage license in a bride and groom index. From this index, we can locate the marriage licenses in order to make certified copies. This index is also used in genealogy research, which is a very popular hobby, we're finding out these days. The index books can range in a wide variety of costs. Mine are around \$100 apiece. All of these records are kept in my office, even the records from county court, where marriage licenses were originally issued. And now I almost have 40 books. The process from beginning to end takes at least half an hour to complete. Of all the things we do in our office, this is one of the more time consuming tasks. The county clerks association decided that maybe we should take a look at it this time because of a cost issue. It was then that I searched the web at weddingvendors.com. I came to realize that there are other states, or how much other states charge for issuing licenses. On the second page of my handout, you'll see where I list them from most costly to least costly. Now if you're looking for Nebraska, you might as well start at the bottom because we are 50th out of the 50 states plus Washington, D.C., in ranking. When doing my research, I found out that many counties in states issue, or set their

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own fees. So every county issues what they want. In fact, some couples can do shopping on the network for their license. Massachusetts showed up to be only the one that was less costliest than us at \$4, although I never could find a county in Massachusetts that only charged that amount. Government, like any business, has to keep up with the cost of doing business. You all know that. We really aren't out to gouge the newlywed couple. We only want to update the cost to match our services rendered. I'll answer any questions such as...

SENATOR BOURNE: Thank you. Are there questions for Ms. Schweitzer? Senator Chambers.

SENATOR CHAMBERS: What do they do that requires the county to expend \$25 for each one of these?

SHERRY SCHWEITZER: It's the time it takes.

SENATOR CHAMBERS: How much time would it take on the average?

SHERRY SCHWEITZER: As I stated, a good half hour. And I do use a computer program, so if you are hand typing that, it may take more.

SENATOR CHAMBERS: So there is a deficit that all the counties are experiencing as a result of issuing marriage licenses?

SHERRY SCHWEITZER: A deficit? No. We probably could say we come out even on it, possibly. But it varies from county to county, of course, because staffing, things, costs like that, we all know that in 11 years, our costs have raised.

SENATOR CHAMBERS: But all of this new staffing wouldn't go to the service of issuing marriage licenses, would it?

SHERRY SCHWEITZER: If you figure staffing benefits for anywhere from a half an hour to 45 minutes, let's say, for counties that do hand type theirs, we do purchase the keepsakes, the index books, copying, things like that.

SENATOR CHAMBERS: My final question: How many correct answers out of the 40 constitutes a passing grade?

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(Laughter.) You don't even have to answer.

SHERRY SCHWEITZER: They all pass.

SENATOR CHAMBERS: Okay.

SENATOR BOURNE: Further questions? Seeing none, thank you.  
Next testifier in support.

BETH BAZYN FERRELL: (Exhibit 14) Good afternoon, Chairman Bourne, members of the committee. For the record, my name is Beth Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm assistant legal counsel for the Nebraska Association of County Officials. I am appearing here in support of the bill. I think Sherry has answered all of the questions that I was going to discuss. I would just like to share with you a letter that was provided to us from Sandra Stelling, who is the county clerk in Jefferson County. She is also at the election training today and asked us to present that to you.

SENATOR BOURNE: Thank you. Questions for Ms. Bazyn Ferrell? Seeing none, thank you. Other testifiers in support? Are there any testifiers in opposition? Any neutral testifiers? Senator Thompson has waived closing. That will conclude the hearing on Legislative Bill 982. With that, Senator Friend will open on Legislative Bill 770. As he makes his way to the podium, can I have a showing of hands of those here wishing to testify in support of this next bill? I see four, five, six. If you would make your way forward, and we're going to make use of this front row as the on-deck area. And again, those people wishing testify in support, if you'd come forward and sign in.

SENATOR CHAMBERS: Senator Friend, what do you hold over these peoples' heads to make them acknowledge in public that they're supporting you?

SENATOR FRIEND: I have to share that with you off the record.

SENATOR CHAMBERS: Okay.

SENATOR FRIEND: Unless you really want it on the record.

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SENATOR CHAMBERS: No, that's okay.

SENATOR FRIEND: All right.

SENATOR BOURNE: With that, Senator Friend to open on  
Legislative Bill 770.

LB 770

SENATOR FRIEND: Thank you, Chairman Bourne and members of the Judiciary Committee. For the record, my name is Mike Friend, and last name is spelled F-r-i-e-n-d, and I represent the 10th Legislative District in northwest Omaha. And I'm introducing Legislative Bill 770 after hearing over, I guess, the last year and a half, couple of years, from foster care parents in both my district and throughout the state, elsewhere across the state. LB 770 clarifies the standing of foster care and preadoptive parents in court proceedings. The purpose of the bill is two fold. At first, it provides direction to the court regarding which persons are to be notified of foster care review hearings. Secondly, the bill allows all people notified of hearings the right to participate, either by oral or written statement to the court. This bill in my estimation is important for various reasons, but I came up with three really key things that I wanted to point out in regard to the importance. Foster caregivers, foster care parents, in many cases understand the development of the child that has been in their care better than anyone else in that child's life. And this would significantly, in my view, benefit Health and Human Services caseworkers who, in many cases obviously overworked, need and, also in my opinion, this support from the foster care community. And third, and this promotes information, this promotes communication, and in regard to the safety and welfare of a child, I'm not sure that that, information and communication, could ever be a bad thing. So with that, I'd be happy to answer any questions. I wanted to thank you again and let you know I'd be happy to, you know, deal with concerns and ideas about the bill. Thank you.

SENATOR BOURNE: Thank you. Questions for Senator Friend? Seeing none, thank you. First testifier in support, and again, once you reach the chair there, if you would state

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and spell your name for the record, we'd appreciate it.

KATHLEEN STOLZ: My name is Kathleen Stolz, it's S-t-o-l-z, and I'm the program coordinator for the Foster Care Review Board. I'm testifying in support of LB 770, which would allow foster parents the opportunity to provide information to the court about the children placed in their home. Once the child has been made a ward of the state and placed in foster care through the Department of Health and Human Services, the court reviews this child's case once every six months until the case is dismissed. During this review hearing, the court makes decisions about the appropriateness of the child's plan, services that the child is involved in, and what is in the child's best interest, including their placement. Currently, the courts must make these decisions based on reports and testimony from the guardian ad litem, the Department of Health and Human Services, the parents, and the Foster Care Review Board. All of these parties rely on input from the foster parents in making their recommendations to the court about the child. In making these decisions, it's important that the court also have the opportunity to hear from the foster parent as they are responsible for meeting that child's needs 24 hours a day. They know how the child behaves on a daily basis, how they're doing in school, and what medical needs they have. Under the current law, foster parents are given notice of all court hearings involving the child placed in their home. Many foster parents attend these hearings, but are unable to participate in the process. A lot of them just sit in the back and have to listen to what decisions are being made on behalf of the children placed in their home. Information from these foster parents would be invaluable to the court in determining whether the child is receiving all the necessary services, including educational and health needs, and whether their current placement is meeting their needs. LB 770 recognizes the important role that foster parents play in caring for and raising foster children by giving them a voice in the process. This bill is modeled after a Wisconsin law and I did talk to some officials at the HHS in Wisconsin. And one of the things that they told me that this particular piece of their legislation was instrumental in retaining foster parents, because foster parents felt like they were more empowered and more a part of the process. And I know that's an issue in the state of Nebraska, is foster parent retention and

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recruitment of foster parents. I'd be happy to answer any questions that you might have.

SENATOR BOURNE: Thank you. Questions for Ms. Stolz? What rights now do foster parents have? I mean, are they interviewed by the guardian ad litem? And I truly don't know the process. Isn't their input provided through the guardian ad litem now?

KATHLEEN STOLZ: The guardian ad litem can consult with the foster parents. They're supposed to go, the guardians ad litem are supposed to meet with the children. A lot of times, that's in a school setting. We also see guardians ad litem are overworked and that, you know, they're not paid a lot to be a guardian ad litem. That tends to be, you know, kind of down on the totem pole. They are given the right to participate in a Foster Care Review Board process. We do interview them and we do get their feedback, but a lot of times, what courts are wanting to hear is that one-on-one, not hearsay information from another party, but one-on-one from the actual foster parents.

SENATOR BOURNE: So the courts, what you're saying, the courts want to hear that...

KATHLEEN STOLZ: A lot of them do, yes. And they're not able to participate in that process.

SENATOR BOURNE: The judge has no discretion now?

KATHLEEN STOLZ: They have to be called as a witness, it's my understanding.

SENATOR BOURNE: Okay. Okay. Further questions? Senator Pedersen?

SENATOR DW. PEDERSEN: Thank you. Ma'am, you mentioned, when we were talking about guardians ad litem and they're overburdened now, is that because of caseloads?

KATHLEEN STOLZ: It is because of caseloads, and a lot of them aren't just guardians ad litem. They have a lot of other different kinds of caseloads. There's also the issue of guardians ad litem feel like, sometimes, if it's an infant that they're going in to see that, you know, they

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can't really interview that particular child. And I think it would be important for foster parents, I know there will be some foster parents testifying behind me, and I think that would be a great question to them as to how active are their guardians ad litem. I do know that the Supreme Court judge, Chief Justice Hendry, is looking at the issue of guardians ad litem and how to strengthen that role.

SENATOR DW. PEDERSEN: The reason I asked the question is the guardians ad litem that I've worked with when I've had to go, been in court with different young people I've worked with, hadn't even visited with the client until they went to court.

KATHLEEN STOLZ: That's typical. There are some really great guardians ad litem. I can't say that there aren't. We've seen some really, really great involved ones, but the majority of them, that's kind of what happens, and so they're not really interviewing the foster parents and finding out everything that there has to know about that particular child that they're advocating for.

SENATOR DW. PEDERSEN: Thank you.

SENATOR BOURNE: Further questions? Seeing none, thank you.

KATHLEEN STOLZ: Thank you.

SENATOR BOURNE: Next testifier in support?

KENDALL CORRIE: Thank you. My name is Kendall Corrie. Spelling is Kendall, K-e-n-d-a-l-l, Corrie, C-o-r-r-i-e. Thank you, Senators, for receiving us today. As I said, my name is Kendall Corrie. My wife, Linda, and I started training to be foster parents six years ago in Douglas County. We've had 14 children become a part of our family during that time and we have adopted 2 of these children. One is in the process of being adopted. We currently have five children in our home. Some of the daily activities in the Corrie home include but are not limited to therapy appointments, eye appointments, doctors appointments, eye surgery, hernia surgery, helping with homework, dance classes, figure skating classes, and et cetera. It goes on and on. We're very deeply involved in every aspect of our children's lives, including their reaction to being

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separated from their birth parents and visitation with them. Being given this, we feel, a sacred position provides foster parents a comprehensive and accurate information concerning the child and would help the courts to make more informed decisions for positive lifelong outcomes for the children entrusted to us. We believe that we can be and we should be a voice for the children in our care at every step of the process. My wife wanted to be here today to speak also. She is not able to. Our babysitter cancelled at the last minute. We don't have just anyone take care of the children in our care. We're very protective and very cautious. We take very serious the responsibility for these precious lives entrusted to us. We would encourage you to enact this legislative bill to allow foster parents to advocate more effectively for the voice of our children. Thank you very much for your time.

SENATOR BOURNE: Thank you. Questions for Mr. Corrie? Can you give us a sense of, and I don't know the process, but can you give us a sense of what type of information that you would have historically wanted to offer at one of these hearings but were unable to do so?

KENDALL CORRIE: There are occasions when children have come home from a visit visibly agitated and yet, when in contact with the guardian ad litem as spoken before, occasionally that's as short as two days before the next hearing, and it's difficult to get all of that information to them and then know that they're going to be able to translate that into some sort of hard evidence that they can present to the court.

SENATOR BOURNE: So your foster child came home from a visit with the birth parent and was agitated...

KENDALL CORRIE: Yes.

SENATOR BOURNE: ...and then you're not able to offer input to the court as to why or what transpired or, okay?

KENDALL CORRIE: Exactly. We're not privy to the information or the details of the visit as, you know, privacy for the birth parent and the child, and yet when the children share with us, whether they speak it or whether they enact it through nonverbal communication, we can sense



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that there may be an issue during the visit or there may be an issue that the child needs help with. That doesn't necessarily translate into information for the court. It may get to the guardian ad litem. It may get to the caseworker. What happens beyond that, it's out of our hands.

SENATOR BOURNE: So today, how it works is that you would go to the guardian ad litem, say, Jimmy visited his birth parent on October 1, came home agitated. That information is for you to decide how to use. And if they don't bring it up, they don't bring it up.

KENDALL CORRIE: Yeah. They don't bring it up.

SENATOR BOURNE: Assuming LB 770 passes, walk me through that same situation where Jimmy came back from a visit and was upset. What would you see as your role in front of the hearing? How would you see this working?

KENDALL CORRIE: The best that I can envision it is that we would have the opportunity to speak with an oral statement or a written statement delivered to the court for their consideration as to the best interest of this child in this situation, and then let that obviously fall to the courts and their discretion.

SENATOR BOURNE: Okay, super. Thank you, and thank you for what you do. Senator Chambers.

SENATOR CHAMBERS: Would the birth parents be allowed to rebut what is said by the foster parents?

KENDALL CORRIE: As I understand it, they are part of the process. They are notified of the hearings. If they have attorneys, they are represented and they have...it's not as if there was any accusation coming out of the visitation. It's more a concern of behavior. What direction is this sending the child in? And, yes, they have representation and they are invited to the hearings at all times, or supposed to be.

SENATOR CHAMBERS: And they're permitted to speak?

KENDALL CORRIE: I believe they are.

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SENATOR CHAMBERS: This bill would then make it into an adversarial proceeding, of foster parents versus birth parents, because that's the two between them, there'd be the contention. Or is the guardian ad litem the problem? Just what is it that would join issue if this bill were passed? Who are the ones who would be at odds with each other?

KENDALL CORRIE: In spite of the adversarial nature of the courts, we would hope to simply advocate for the best interest of the child at all times without becoming accusatory, without becoming an adversary to the parent. Because we certainly believe that reunification in appropriate spots...we've had, like I said, we've had 14 children come into our home and many have gone on to appropriate placements. We're very happy with that. And on occasion, you look at a case and go, oh, this doesn't feel right. What's in the best interest of Johnny or Sue and we want to pursue that for them. We want to be a voice for them.

SENATOR CHAMBERS: And I'm aware of situations where foster parents knew people or had relatives who were in the system, and they wanted to keep this child because it was an attractive child. Often, it was not a white child, but the foster parents were white and they wanted to keep the child, and they had a leg up to begin with. But it was the birth parent who was at a disadvantage, so it's not all one way. Foster parents receive compensation for these children while they're in their care, don't they?

KENDALL CORRIE: Yes, we receive a stipend.

SENATOR CHAMBERS: And some people, I'm not saying all or you, some people do this for the money, don't they?

KENDALL CORRIE: Some do.

SENATOR CHAMBERS: And legislators should be very cautious about putting anything into the law that might tip the scale to give advantage to one side or the other by creating an adversarial environment where perhaps there shouldn't be.

KENDALL CORRIE: Exactly. We're not proposing an adversarial position. We're proposing simply...

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SENATOR CHAMBERS: So what would you say in the courtroom that...

KENDALL CORRIE: ...a voice.

SENATOR CHAMBERS: ...what would you say...because here's why I'm saying it going in this direction. When the Chairman asked you a question, you had mentioned, as an example, that the child might show some agitation after a visit. So that to me indicates the foster parent wants to say something that couldn't help but be negative about the birth parents. Well, I have four grown children now. My children didn't always agree with everything that I did. I don't mean I beat...I never punished my children physically. Never. That's why I didn't like corporal punishment in the schools. I don't like it anywhere, but that's the way I wanted to rear my children. There could be bones of contention when a child goes home, if you want to call the birth parents' residence "home." Maybe the foster parents are more lax. Maybe they let them eat a lot of candy. Maybe they let them watch a lot of television, and when they go to the birth parents there could be something as simple as saying, no, you're not going to watch that much television. You're not going to eat all that candy. It doesn't look to me like you're brushing your teeth, so while you're here, you're going to brush your teeth, you're going to keep your body clean, and you're going to do the things that you ought to do. So the child comes home to the foster parents agitated. How do they know why? What can the foster parents say other than that this child came home agitated and I think you ought to know it? So somebody says, do you know why the child was agitated? And let's say that the birth parents are requiring more from the children than the foster parents, and if the children get the impression that the foster parents are going to take their side, then they play on that. Children are not stupid. And I'm not making them mean, vicious, cunning, or anything else. But in this kind of a situation, I view it carefully because I've seen abusive birth parents and I've seen abusive foster parents.

KENDALL CORRIE: Exactly. Again, it's not our goal to create another adversarial position. Truly, we just want to advocate for the children and have a voice.

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SENATOR CHAMBERS: How are you going to do that without it being adversarial?

KENDALL CORRIE: I think with anything you have, as you said, good parents, bad parents, good foster parents, bad foster parents. I think it's a matter of staying equal and saying, we just have a concern. What can we do for the child? Not what can we do against or for any one of the people who are already in the adversarial system, but the child that doesn't have the voice, help them have a voice, and that's what we want.

SENATOR CHAMBERS: And the birth parents don't serve as that voice?

KENDALL CORRIE: In out-of-home placement, it could be very difficult for them to have that voice. But they do have a voice because they are represented.

SENATOR CHAMBERS: Would the foster parents be saying, we think these children ought to be taken out of foster care and be returned to the birth parents? Is that what they would be saying?

KENDALL CORRIE: No, that's not our place. We simply want to have the voice so the courts can have as much information as they can to make an appropriate decision for that child.

SENATOR CHAMBERS: Well, to advocate means to take a position and a side. Judges are not advocates. They are arbiters. They are supposed to be dispassionate. They're supposed to be objective. An advocate takes the side of one rather than the other, so I can't envision a foster parent speaking against himself or herself. The only thing that could be said is something against the birth parents. Isn't that more or less true?

KENDALL CORRIE: I respectfully disagree.

SENATOR CHAMBERS: Okay.

KENDALL CORRIE: We want to speak for the children.

SENATOR CHAMBERS: So give me an example of what you would

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be saying in behalf of the child that is not accusatory.

KENDALL CORRIE: Perhaps they need services that they're not receiving, and it's not getting through to the case manager or the worker or the guardian ad litem. I mean, that's just one example I can think of that perhaps...

SENATOR CHAMBERS: So there could be criticism of how these children are being serviced wherever they are placed, and the criticism could be directed against some of those who are working in and are part of the system. It's not just between the foster parents and the birth parents, is what I'm seeming to hear you say.

KENDALL CORRIE: I don't think it would be a matter of criticism. I mean, if it's perceived that way, it was certainly not our goal. We just...

SENATOR CHAMBERS: I'm not criticizing the term criticism. That's, a lot of them deserve it. They deserve castigation and excoriation because guardians ad litem have been allowed to take money that they're not entitled to. There are judges who are not careful. There is at least one juvenile judge who is rude, who is threatening, who is intimidating, who is abusive, and parents who come before this judge are fearful. Lawyers are fearful. And the children sit there and listen to this judge talk bad, whether it's to a birth parent or a foster parent, and the child has to wonder what's going on here. So if somebody is not going to criticize the judge, who is? Who is going to call the judge to account, other than me, because I'm working on that case? And the person who brought it to me and the lawyer are fearful even now of possible retaliation. And that's in a system which is supposedly working in behalf of the children. If the parents are afraid and the lawyers are afraid, how can I believe that system is doing anything appropriately? The advocates, in other words, are afraid. What do we do about that situation?

KENDALL CORRIE: I don't know. I'm sure that's for a judicial review board or some other committee such as this.

SENATOR CHAMBERS: Are you from Omaha?

KENDALL CORRIE: Yes, sir.

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SENATOR CHAMBERS: Have you heard of a juvenile judge who behaves in the way that I have mentioned?

KENDALL CORRIE: I have not.

SENATOR CHAMBERS: Okay.

KENDALL CORRIE: Honestly, the judges...

SENATOR CHAMBERS: I'm not...

KENDALL CORRIE: ...that I've come in contact with...

SENATOR CHAMBERS: ...not that you've come in contact...

KENDALL CORRIE: ...are as fair as they can be.

SENATOR CHAMBERS: Have you heard of a judge behave like I'm mentioning?

KENDALL CORRIE: No, sir. I have not.

SENATOR CHAMBERS: Okay. That's all that I have, Mr. Chairman. Thank you.

SENATOR BOURNE: Further questions? So, Mr. Corrie, it could be something as simple as you recognize one of the children in your care needs some sort of additional service that HHS could be providing and you want to be able to say to the court, hey look, Johnny needs X? Is that...

KENDALL CORRIE: Correct.

SENATOR BOURNE: ...so it's not necessarily, okay, the parents are a bad, you know, bad apples, so to speak. It's just you've had this child in your home, you see him or her constantly, you see their grades, you see all this, and you want to have input as to what maybe this child needs and isn't getting or is getting and doesn't need? It's input, as simple as that.

KENDALL CORRIE: If we're simply allowed to give information and share our concerns and, I don't know if we could recommend anything. I think, again, we should, if we make

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recommendations, it would be to the guardian, to the caseworker, and let them go from there. This is simply a matter of having a voice.

SENATOR BOURNE: Senator Pedersen.

SENATOR DW. PEDERSEN: Thank you, Senator Bourne. Are you ever asked to come into a court now? Or are you just not allowed to?

KENDALL CORRIE: We're allowed to be there for the hearings. There have been on occasions an opportunity as a witness to testify, but we have to be called in order to speak. If you're not called, the judge is not required to call on you. You're recognized in the courtroom, but not necessarily to testify or to give information.

SENATOR DW. PEDERSEN: Thank you.

SENATOR BOURNE: Further questions? Senator Chambers.

SENATOR CHAMBERS: What will be the purpose of the hearing to which foster parents would be invited if this bill were in place? What kind of hearing would it be?

KENDALL CORRIE: I don't believe this would be a separate hearing. This is just a part of continuing, ongoing evidentiary hearings that occur on a regular basis.

SENATOR CHAMBERS: And those hearings are for a purpose to make some kind of determinations. And the purpose of the hearing would be to determine what?

KENDALL CORRIE: Whatever the goals the caseworker may have set forth to the court and their recommendations.

SENATOR CHAMBERS: Would that be to determine whether the child would be reconciled with the birth parents or remain in custody?

KENDALL CORRIE: It goes both ways, yes, for the courts to decide.

SENATOR CHAMBERS: So if it were a hearing to determine whether the child should go back to birth parents or remain

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in foster care, the foster parents would have an interest in having the child remain in foster care. Wouldn't that be true, or would that be true?

KENDALL CORRIE: Not necessarily true, no sir. It's a matter of advocating for the best interest of the child what we see as their best interest.

SENATOR CHAMBERS: How many foster parents do you know of who've gone to court and said, I think, or told the caseworker or anybody else, I think this child should go back to the birth parents, not because they say, the child is unmanageable, more trouble than I want, but can say, I think this child would do better if he or she were with his or her birth family?

KENDALL CORRIE: I only know of one couple, myself and my wife.

SENATOR CHAMBERS: That's probably why you were brought here, huh, to testify, because you're as clean as...oh, you don't know...

KENDALL CORRIE: I didn't...I wasn't brought here. I drove myself here.

SENATOR CHAMBERS: No, I meant you were...did they invite you to come?

KENDALL CORRIE: Yes.

SENATOR CHAMBERS: Do you know what Energene is, because you might be old enough to what that was?

KENDALL CORRIE: I do not know.

SENATOR CHAMBERS: It was a cleaning substance, and clothing that is taken to the dry cleaner now could be cleaned with Energene. You could get the stains out. It would quickly dry. And when somebody was really squeaky clean, is what they say now, we'd say, "You're as clean as Energene," and that was the highest compliment that could be paid. So that's what I was going to say about you.

KENDALL CORRIE: Well, thank you.



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SENATOR CHAMBERS: You're here because you're as clean as Energene. And that's really all that I have.

SENATOR BOURNE: Thank you. Further questions? I'm afraid to ask another one (laughter), but I have to. Are there enough foster parents in the system?

KENDALL CORRIE: Are there enough?

SENATOR BOURNE: Exactly. I mean are there...

KENDALL CORRIE: No, sir.

SENATOR BOURNE: Okay. There are more kids that need a spot than there are parents willing to take them.

KENDALL CORRIE: Yes, sir.

SENATOR BOURNE: That's what I understood. Thank you. Further questions? Seeing none, Mr. Corrie, thank you. Appreciate your testimony.

KENDALL CORRIE. Thank you very much for your time.

SENATOR BOURNE: Next testifier in support?

KATHY NOCITA: Hello.

SENATOR BOURNE: Welcome.

KATHY NOCITA: Thank you. My name is Kathy Nocita. My last name is spelled N-o-c-i-t-a, and I thank you very much for your time and for addressing this bill. I hate to follow that, but here I am. I will tell you that I just found out about this hearing today, so I'm not overly prepared, but I am a foster parent. I've been a foster parent for three and a half years. I have the privilege of having had the opportunity to speak in open court, for our judge has called on myself and another foster parent on two different occasions. So I can tell you what it was like for three years not being able to have a voice and attending what court hearings I was made aware of to how I felt when I actually was able to address the court. With respect to Senator Chambers as far as trying to have the opportunity to

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talk, it's just as the previous gentleman said: It's for the best interest of the child. And when you get...I really don't understand why that's not a law right now. I provide care for my foster daughter for 24 hours a day, 7 days a week, 365 days of the year, except for 4 hours that she's on visitations with her birth mom. She has been in foster care from the time of birth. She will be four in March. I would guess that there's not anybody else who can talk about what her daily routine is like, her needs, what she is like before and after a visit, how she's growing, what her medical concerns are or not other than the person who's providing that day-to-day care. One of the things that I recall the clearest is when I went through foster care training to get my license. One of the things I was so impressed about is being part of the team and explaining what that team involved. It involved the guardian ad litem, the caseworker, the birth mother, the birth father, if so, and how my role was going to be. I didn't understand that my role was really that of a silent partner until after I had gotten into the system a little bit more. I also understood a little bit further into the system that there was some concern about what I did say and didn't say because not all information was something that they wanted to hear. I've had 4 district attorneys, 4 caseworkers, 3 guardians ad litem, and over 45 people have transported her on visitations to her birth mom. I am the only, other than the judge and her mom, I am the only consistent factor that she has on a daily basis. I hope that we pass the bill so that my voice and other foster parents' voices can be heard. Thank you.

SENATOR BOURNE: Thank you. Are there questions? Senator Pedersen.

SENATOR DW. PEDERSEN: Thank you, Senator Bourne. I'm troubled a little bit, and maybe I don't understand the bill well enough myself. I've been in them courtrooms. I don't...I work with juveniles, but the kids that I work with are being charged as adults, so I'm in the felony courtrooms. I don't go to the juvenile courtroom much anymore. But the juvenile courtrooms that I have been in in the last two, three years, I've counted up to 12 different people who were in that courtroom on state pay, anywhere from the cop to the judge to the court reporter and different guardians ad litem and, I mean, so when I first

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read this bill, I thought, well this is going to give the chance for those kids who have spent some time with a foster parent to at least have somebody in the courtroom who knows them, and so they have a face in there. But you don't get to speak at all unless you're called upon, is that right?

KATHY NOCITA: That is correct.

SENATOR DW. PEDERSEN: How would this bill change that?

KATHY NOCITA: Well, currently, when I go to court reviews, the procedure always is they hear from the caseworker, the guardian ad litem, the DA, the birth mom, the birth mom's attorney, they speak from all the professionals that represent this child.

SENATOR DW. PEDERSEN: Except you.

KATHY NOCITA: Except us.

SENATOR DW. PEDERSEN: Okay, then that bill is (inaudible)...then I'm on the right bill. Thank you.

KATHY NOCITA: Does that make sense?

SENATOR DW. PEDERSEN: Yes, thank you.

KATHY NOCITA: My pleasure.

SENATOR BOURNE: Thank you. Further questions? Now, just so I understand, and again, this is important, I think, and so we need to know exactly what we're doing, and that's the reason for all these questions.

KATHY NOCITA: Sure.

SENATOR BOURNE: It's not to abuse or...

KATHY NOCITA: No, I'm great. I was just joking.

SENATOR BOURNE: If the...you said, right now, you have on two occasions had the privilege of being asked to express your views about this youngster that's in your care.

KATHY NOCITA: Correct.

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SENATOR BOURNE: Okay. So the judges can do that now.

KATHY NOCITA: Our judge chose to ask us, and quite honestly, and not to try to get in her head, I wouldn't want to do that...

SENATOR BOURNE: Sure.

KATHY NOCITA: ...but it was because after five minutes in the courtroom, none of the people that I just mentioned had any information to provide. She then looked at us and she recognized our faces because we've been there at every court hearing and asked if we had anything to offer. It was amazing. That's not part of the review because we can't legally have an opinion.

SENATOR BOURNE: I understand.

KATHY NOCITA: That's just for her...we found out that she wasn't getting all the information. So how can a judge make the best decision if they're not getting all the information?

SENATOR BOURNE: I don't disagree with you, but reading the statute, there's no right of the guardian ad litem to offer their input, either. You see where I'm coming from? It defies logic that the judge, he or she, wouldn't ask the person who this child is with all the time.

KATHY NOCITA: That is correct.

SENATOR BOURNE: It's just incomprehensible.

KATHY NOCITA: That is correct.

SENATOR BOURNE: I mean that, to me, is the first place you go, then you go to the guardian ad litem.

KATHY NOCITA: Correct.

SENATOR BOURNE: And yet, what I'm trying to say is they are conditioned, it seems to me, to ask the guardian ad litem, and I understand the role of that individual, but there's no statutory obligation for them to do so now.

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KATHY NOCITA: Correct.

SENATOR BOURNE: So I'm kind of struggling. It strikes me almost as a educational issue, you know, on behalf of the judiciary, not necessarily a statutory flaw.

KATHY NOCITA: That is correct. That is correct.

SENATOR BOURNE: Further questions? Seeing none, thank you.

KATHY NOCITA: Thank you.

SENATOR BOURNE: We appreciate you taking the time to testify. Next testifier in support.

GREG HANSEN: (Exhibits 17 and 18) My name is Greg Hansen, that's spelled H-a-n-s-e-n. I'm a lifetime resident of Omaha, Nebraska, and have been a foster parent since May of 2004. The materials they're going to hand out, the first group is a group of e-mails between myself and Governor Heineman, and the second one is a crime report made by an individual against me. And as I mentioned, in May of 2004, my wife and I decided to become foster parents and a two-month-old named Brandon was placed in our home. In the 18 months that we had him, we were the only constant he had. We went through two case managers, two guardians ad litem, and two assistant juvenile county attorneys. The first group of professionals basically said that they wanted Brandon to stay in our home and even though an aunt of Brandon's was applying for custody of him. The second, unfortunately, all of those first group of professionals left. The case manager went to Sarpy County, the guardian ad litem, who was very good and made home visits with us, gave us his card, and encouraged us to call him if we had questions, went into private practice, and then the assistant juvenile county attorney went into private practice. So we got a whole set of new people. The second case manager came in and she only believes in family placement, so she immediately began to move Brandon to his aunt's house, even though the first case manager had gone to her supervisor and said, I don't want to move him and these are the reasons why, and the supervisor agreed not to move him. So she continued to work to move him. I became frustrated because we were calling the case manager as we'd

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been encouraged to do in foster parenting classes, being told we were part of a team, and she was continually dismissing us with our concerns, and even in fact hung up on us. The second guardian ad litem we had never visited us, never came to our home. I've never spoken to her. The only time I saw her was in court. And then the second juvenile county attorney we had basically was just not there until I made her a copy of a crime report the aunt made against me in, I believe, it was May of last year. I'm a police officer for the city of Omaha and have been for 20 years. The aunt was apparently at work one evening and a window was broken at her place of employment, and she accused me of shooting at her with a high-powered rifle, and additionally accused me of stalking her by driving by her house. This case was investigated by the Criminal Investigations Bureau of the Omaha Police Department. Unfortunately, a copy of it stays in my personnel file and it went to the chief of police office. It was eventually determined that these charges were groundless, and when we tried to bring this to Health and Human Services' attention, we were dismissed. So when we went to court to object to the placement change, the Health and Human Services attorney immediately applied a gag order on us. We were not allowed to speak, were not allowed to present any information, any evidence, nothing. So our attorney had to go through a point of proof for us to be able to say anything to the judge. We had admitted this report. The state's attorney vehemently objected to it, tried to fight it off, say that it was not important, it was just a big nothing. Brandon came home from his second overnight visit with a blistering diaper rash, and we called the state and they investigated it in a day and said that it was of no concern. It was just a diaper changing issue and they would just take care of it. So everytime we tried to get heard in the court, we were basically, we were shut down. Yet we were the only persons who had Brandon for the entire 18 months. And yet I think we had some legitimate concerns about his safety and his well-being, but the Department of Health and Human Services refused to listen to those and, in fact, did everything they could to keep that out of the court. So I think this bill is highly necessary for us to at least, all we want to do is just provide information. The judge is the one who has to act as the buffer in this and decide if someone is "outstepping" their bounds or trying to play a game. And it's...the assumption that Senator Chambers made that some parents do this for

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financial gain, I don't see, because we got paid \$222 a month. And for an infant, by the time you buy diapers and wipes and things, you're in the hole. I even asked the case manager last spring if I could get a clothing voucher to help buy him some summer clothes because he's growing and he couldn't wear anything he wore last year, and I pretty much got rebuked. She told me this is what we spend money for you on every month. You're supposed to be taking that money and buying him clothes. And I said, well, ma'am, this is only \$222 a month, and she just wouldn't hear it. So we would like just the opportunity to be heard in the court, and let the judge decide. Give the court the whole picture of what's going on, and just let the judge decide.

SENATOR BOURNE: Thank you. Thank you. Questions for Mr. Hansen? Seeing none, thank you. Appreciate you testifying today. Next testifier in support. Welcome.

LORI SHEEHAN: Thank you, Senator Bourne, and for me, to hear me. My name is Lori Sheehan, my spelling of my last name is S-h-e-e-h-a-n. I live by Seward, Nebraska, and myself and my husband have provided foster care for approximately six years. Foster parents, as we understand it, are a very important part of the foster care system. Children of all ages, backgrounds, and situations are placed with us. Foster parents open their homes, hearts, and lives to these children. Foster parents live with these children 24 hours a day, 7 days a week, possibly for years on end. Foster parents are taught to be an advocate for the child that is placed at their home, and can provide important information to all legal parties involved. I feel that it's very important that we deserve the right to be heard in court because, as previously stated, those opportunities are not afforded to us, and we're not always given the opportunity to provide that information to guardians ad litem, caseworkers, and biological parents.

SENATOR BOURNE: Thank you. Are there questions for Ms. Sheehan? Seeing none, thank you.

LORI SHEEHAN: Thank you.

SENATOR BOURNE: Appreciate your testimony. Next testifier in support. Welcome.

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SUE HANSEN: Hi. My name is Sue Hansen, H-a-n-s-e-n. I just started the Foster and Adoptive Parent Coalition. I don't know if anyone here is aware of the story that ran January 8 and 9 about a little boy named Brandon. Anyway, my phone number was published in the paper, and I don't want to reiterate what everybody here has already done. And I have received over 70 calls from people from central Nebraska to central Iowa who are in the same, or were in the same situations as we were. And they have the same concerns. And the reasons that...wonderful showing that we have today, however, the other 70 would love to be here, but for fear of retaliation from Health and Human Services, they have chosen not to be here, but they do want to be heard. And all we want is just to be heard. So, that's all I have.

SENATOR BOURNE: Thank you. Are there questions for Ms. Hansen? I have a question. Expound a little bit, if you would, on the retaliation. And I'm not, I truly, I don't know a lot about this area. What's going on?

SUE HANSEN: Well, for instance, retaliation in our case was we were quoted as a hindrance to the case because I brought forth information to the case manager that I had learned.

SENATOR BOURNE: About Brandon's family or...

SUE HANSEN: About, right. About the aunt.

SENATOR BOURNE: Okay.

SUE HANSEN: And all I did was share information with her, and she said over and over and over again, I can't share information with you. And I said, I'm not trying to share information with you, I'm just trying to, well, share information with you, but I don't want information back. You guys understand that. And she got really mad at me, and just hung up. She said, I've got case plans to write, and just hung up. And from that point on, we were a hindrance to this case. And we actually had to hire an attorney to be heard in court. So in order for us to protect this little 18-month-old that did go back, we had to hire an attorney, which is...

SENATOR BOURNE: All that for \$222 a month.



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SUE HANSEN: Yeah. Well, actually they raised it. It's \$224, I think, now.

SENATOR BOURNE: What's the status of this young man today, this little boy?

SUE HANSEN: That status is he is with the aunt. The aunt quit her job right after she got him. I don't think I can explain how he got taken away from us. That's...I will explain. We took him to day-care on November 8, I believe.

SENATOR BOURNE: Of 05?

SUE HANSEN: Of 05. And we took him to day care and dropped him off and never saw him again.

SENATOR BOURNE: And how long was this little boy in your care?

SUE HANSEN: Eighteen months.

SENATOR BOURNE: Eighteen months.

SUE HANSEN: And the case manager's reason for not ever informing us, and she did not inform us that he was being transferred to the aunt or anything of that sort...we actually didn't hear from anybody for a week.

SENATOR BOURNE: So you went to pick up this little boy from day care and he wasn't there.

SUE HANSEN: That's right. He wasn't there. He never came back. And the reason that the case manager said that, when she was asked by her supervisor, why we were not informed, she said, and I quote, I simply forgot. So she simply forgot.

SENATOR BOURNE: Is she still employed with HHS?

SUE HANSEN: As far as I know, yes.

SENATOR BOURNE: Amazing. Further questions? Senator Pedersen.

SENATOR DW. PEDERSEN: Thank you, Senator Bourne. Coming

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back to retaliation, or I guess we haven't left that, does that seem to come from the administration part of...or does it come right on the straight level of the caseworkers?

SUE HANSEN: It goes from caseworkers all the way up to the top. I truly believe that they don't actually know what the other one is doing. I believe that the supervisor of the caseworker that we had didn't even know what she was doing, and then there's other supervisors that have other caseworkers that don't know what they're doing, and, so really, nobody knows what they're doing. And I think that's why we go through so many case managers because, the turnover is so rapid because there's no support for them as far as making informed decisions.

SENATOR DW. PEDERSEN: When there's a...what you have seen as turnovers in caseworkers, do they just switch them to different cases, or do they actually leave the department?

SUE HANSEN: I have no idea. We are not even told why we have a new caseworker. We were told in our case because our caseworker that we had originally said she was getting married and moving to Sarpy County. She afforded us that information.

SENATOR DW. PEDERSEN: You've had more than one or two kids?

SUE HANSEN: Two.

SENATOR DW. PEDERSEN: Two.

SUE HANSEN: How many kids?

SENATOR DW. PEDERSEN: And how many times have they changed caseworkers?

SUE HANSEN: Twice.

SENATOR DW. PEDERSEN: And did they tell you when they were changing them?

SUE HANSEN: The first one, we were told. And the second one is when Brandon went back to the aunt, so we don't have a case manager at this point.

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SENATOR DW. PEDERSEN: From talking to other people that do your kind of work, it's not uncommon for a caseworker to show up at the door and say, I'm so and so, I'm Suzy's new caseworker. That does happen, too, doesn't it?

SUE HANSEN: It does happen, and I've actually...some of the people, there is one woman that called me and said that she has been through approximately 7 case managers and 30 visitation workers, and she has had this child for three years. I mean, why seven case managers? Why 30 visitation workers? What continuity does this child have? The foster parents, that's what continuity that child has. Does that answer your question?

SENATOR DW. PEDERSEN: I just want you to know that I am aware of that.

SUE HANSEN: Okay.

SENATOR DW. PEDERSEN: Thank you.

SENATOR BOURNE: Further questions? Seeing none, thank you.

SUE HANSEN: Yep.

SENATOR BOURNE: I appreciate you telling your story.

SUE HANSEN: Sure.

SENATOR BOURNE: Other testifiers in support of this bill? Ma'am, did you sign in?

SUE HANSEN: Yes, thank you.

SENATOR BOURNE: If, okay, thank you. Are there other testifiers in support? If...have you signed in?

GENE BONER: Yes.

SENATOR BOURNE: Thank you very much. Welcome.

SHELLY BONIFAS: (Exhibit 19) Hi. Thank you. My name is Shelly Bonifas, B-o-n-i-f-a-s. And I can't believe she didn't cry. Mine is redundant. Everybody here says...and I cried. Everybody here says the same thing so...okay. I

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don't know where to start. I was taking notes here. I read about Brandon in the paper. (Inaudible.) I'm sorry, I can't.

SENATOR BOURNE: It's okay.

SHELLY BONIFAS: I don't do it for the money. It's my great niece, and I'm right in the middle of it right now, and it's ditto to everything everybody is saying. It's the system.

SENATOR BOURNE: Are you having troubles with the case manager similar to the Hansens, or is it something else?

SHELLY BONIFAS: I hear retaliation and I'm thinking, oh, jeez! I told my caseworker, you know, you can come and get Addison from day care, and I may not see her again because I read that about Brandon, and they can do that. That happened. I'm a CASA volunteer, also. My emotions...and it happened to my...that family. Excuse me.

SENATOR BOURNE: So it's, you know, when we first started the hearing, it was about, you know, there was a concern that somehow it would be against the parents, and that, you know, as we get through this, it seems like there's a bigger issue, that there's some problems with HHS that...

SHELLY BONIFAS: And I am not a...I am a foster parent because they placed my niece with me. God bless these guys.

SENATOR BOURNE: Are there further questions? Seeing none...

SHELLY BONIFAS: Because I'll cry. Sorry.

SENATOR BOURNE: Thank you. We appreciate you. We appreciate you coming down. Next testifier in support.

GENE BONER: Good afternoon.

SENATOR BOURNE: Welcome.

GENE BONER: Thank you for the opportunity to speak. My name is Gene Boner, B-o-n-e-r. I'm from Hastings, Adams County, Nebraska. My wife and I, Carlene, have been foster parents for approximately the past five years. We

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enjoy it in an immense amount. During this past year, we were fortunate enough and blessed enough that we were nominated as Angels in Adoption by Senator Hagel's office, and it's been a great experience. Through my 16-year career as captain of the Hastings Police Department, I've had the opportunity to get to know the criminal justice system in Nebraska quite well. Through my shorter tenure as a foster parent for the past five years, I've got to see firsthand some of the shortcomings of our foster care review process. The first thing that we need to remember is any time that a child is placed into foster care, and I've been one of those officers who has actually removed a child from a home, when a child is placed into foster care, immediately a team is surrounded and gathered and placed around that child for support. The first and foremost objective should be, and it is, the immediate reunification with the biological parent when it's appropriate. It's...that team is brought together so that they can communicate, the left hand communicate with the right hand. I think you're hearing overwhelmingly here that that doesn't always occur. I'm blessed in the fact that in Adams County, we have a very good, supportive CASA program, Court-Appointed Special Advocacy program. The CASAs speak in favor and are a voice for the children in our system. And they do a very good job. However, they don't always have the opportunity to review and present all the information that's given to them in a very timely manner. I find it rather hard to understand that, as a foster parent, that child or children, we've had a number of children in our home, that that child or children that are in our home, we are not given an opportunity to speak before a judge, to tell the judge what's going on, things that we are seeing. As you've heard by many folks before me here that, you know, we are in charge of the day-to-day care of that child, whether it be with the going to school, the visitations, we have constant contact with the Health and Human Services. You know, guardians ad litem are nonexistent, I'm sorry, folks. I have yet to actually have a guardian ad litem actually come to my house and even speak to me or my children. I know all the guardians ad litem, obviously. They're all attorneys, but, and that's in Hastings, Adams County. I find it hard to believe that when we go to a review hearing, that every piece of that puzzle, every team member in that team, is allowed an opportunity to give and present evidence to a judge except for the foster parents. I've been fortunate in the fact that me and my

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wife will attend, and have attended, every single hearing, review hearing for our children over the past five years. I have a very generous boss who understands the importance of children in our lives and in our communities as citizens, and have been afforded the opportunity to attend those hearings. The judges will recognize me in the galley, and 90 percent of the time, they will ask if there is something that I have to present. And I will take advantage of that, absolutely, every single time. The 10 percent of the time that I have not been asked if there's anything that I want to present, there have been things that I want the judge to hear. If I was the judge sitting at that bench, I would want every single piece and bit of evidence possible to make a determination of what's in the best interest of that child. And currently, our system does not afford that. This bill is a good bill and I hope that you pass it. Thank you.

SENATOR BOURNE: Thank you. Are there questions for Officer Boner? Have you experienced some of the same things that these other foster parents have articulated regarding HHS?

GENE BONER: Yes, I have. And fortunately or unfortunately, I guess, in my job I work hand in hand with Health and Human Services and they are woefully understaffed, underpowered. I mean, when you have case managers who have 75, 100, 150 cases, that's outrageous and it's ridiculous and it needs to be changed. So I don't place all the blame on the caseworkers themselves. I place the blame upon the system that's put them there. They are given almost an impossible task, but the unfortunate thing is that the children that are under their care, if you will, are the ones that are suffering.

SENATOR BOURNE: Thank you. Further questions?

GENE BONER: And if I may add...

SENATOR BOURNE: Sure, please.

GENE BONER: There was a comment made about foster parents doing this for the money. I will tell you that spending \$5,000 for my 16-year-old for braces for cosmetic purposes because Medicaid does not pay for that, I have never

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received enough money to pay for \$5,000 worth of braces, and absolutely, I do not do this for the money. There is no doubt. And, Senator Pedersen, when you mentioned about guardians ad litem, I just can't reiterate enough, once again, they are overburdened as well. The counties that have CASA programs in place, the CASAs have alleviated a lot of that burden, but not every county in Nebraska has a CASA program. But the CASA program is an outstanding program, and we have a very strong one in Adams County.

SENATOR BOURNE: Thank you.

GENE BONER: Thank you for the opportunity.

SENATOR BOURNE: Appreciate your testimony. Other testifiers in support of the bill? Are there any, is there anyone...come on forward...is there anybody else that wishes to testify in support? If you'd make your way forward and sign in, please. Welcome to the committee.

DEBBRA STAGGS: Hi. My name is Debbra Staggs. It's D-e-b-b-r-a, Staggs, S-t-a-g-g-s. My husband and I have been foster parents for eight years this July. We have had 31 children through our homes in those eight years. Of those 31, we have adopted 4. We were told when we first started that we weren't allowed to go to the courtrooms. Over the years, that has changed. I attend all court hearings that I am notified of concerning the children placed with us. It's sometimes hard and frustrating to sit in a court and hear what is to be their fate and not be able to say one word. I have left the court in tears because I know what is said is not always in the child's best interest, and sometimes they don't even have all their facts straight. Yes, I talk to the caseworker often, but they do not live in my home in a day-to-day basis. Why silence the people who live with them every day?

SENATOR BOURNE: I agree. Questions for Ms. Staggs? Thank you. Appreciate your testimony. Next testifier in support.

SUZANNE DAY: My name is Suzanne Day. It's D-a-y. I've been a foster mom for three and a half years. I currently have a child in my home that was placed at two days old. He will be three on Saturday. I have been with this child through many sicknesses resulting in surgery at eight months

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and later a five-day hospital stay. I know that this child's favorite color is yellow. I know what makes him smile. I have pictures of him in my purse. I know this child as if he were my own, and to go sit in a courtroom and not be allowed to speak on what I know about him is torture. I think that the termination of parental rights is a horrible thing. And if Antonio belongs with his birth mom, and she will be a suitable parent, I will send him with my blessings. But for the judge not to know my piece is ludicrous. This bill is essential. That's it.

SENATOR BOURNE: Thank you. Questions for Ms. Day? Seeing none, thank you. I appreciate your testimony. Next testifier in support. Welcome.

DEB WHITNEY: Thank you for your time. My name is Deb Whitney, W-h-i-t-n-e-y. I am a foster adoptive parent. I have ten children ranging from 32 down to 7. I have sat on the Foster Care Review Board. I have been a family support worker that has taken foster children to their biological mothers to visits. I've done training for CASA training. I've been a mentor for NFAPA, that would mentor foster parents. And I've ran my own foster parent support group. And now, with Sue Hansen, I am helping start the Foster and Adoptive Parents Coalition. And our mission statement, I would like to read it, is to support legislation change for foster parents and adoptive parents, just to advocate for the children, what's in the best interest, any changes. And this is why I'm here today because, in effect, this will give foster parents a voice in the courts, but also the end result will be to make the best decisions for the children, the welfare of the children. I've been sitting here and I've been listening to everything. And, of course, you've heard \$7.40 a day, you know, I mean you don't know how the hair raises on me when I hear that charge, when parents, you know, foster parents are doing it for the money. Yes, there are some validation as far as Senator Chambers is, there are teenagers with a lot of behaviors that are in the juvenile court systems, and yeah, their SE pay is higher. But, for the most part, you know, the majority of foster parents I have met in all my different areas that I have served on, have worked, I have not met one foster parent that I have thought is doing it for the money, okay? Secondly, retaliation: I've worked with case managers, I've had case managers, I've had adoptive workers, yes, there are parents,



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they're scared. They're scared of retaliation, and the reason is they're scared that their children are going to be taken from their home, or they'll get thrown an assessment on them. And, I'm assuming you all know what an assessment is. Your house is closed down and you're not able to take foster children. So that is what an assessment is. And then also, in my experience working with case managers and being a foster parent, it all depends on the case manager. There is no set rules. It's all how they feel that day or what agenda they have or what issues they have. It's all different. There's no...no one is the same. And every situation is different. And, yeah, that's HHS's problems. But what we're here for today is that the one person that is the same is the foster parents. And if the guardians ad litem are doing their job and the case managers are doing their job and the judges are doing their job, what is the harm for foster parents to be in the courts and be able to submit information? What's so scary about that? There's...there should be nothing scary about that. It's just to help for the welfare of the child, to make the best decision of that child. And it's not to criticize. It's not to sit there and go for or against, it's just give the information, whatever that information is. So I'm hoping that you will vote for this bill to help the children that are in the system now. Thank you.

SENATOR BOURNE: Thank you. Questions for Ms. Whitney?  
Seeing none, thank you.

DEB WHITNEY: Thank you.

SENATOR BOURNE: Appreciate your testimony. Other testifiers in support? Are there any testifiers in opposition? Are there any neutral testifiers? Are there any HHS employees in the hearing room? If there is, I'd sure like to hear from them. Seeing none, Senator Friend to close.

SENATOR FRIEND: Thank you, Chairman Bourne. Briefly, I did want to point out for the record, Director Nancy Montanez did send a letter to my office (Exhibit 15) and I believe all the committee members have a letter in support of this legislation, so Health and Human Services is on the record officially, you know, in favor of seeing that this becomes law. Really quickly, I wanted to share a story, and all of

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you can relate to this, and this is what happened, and I think that this is why we're here today, for a lot of reasons, not only this, but because a lot of these folks behind me are very influential. But I was in a foster care, I guess, meeting, if you will, and was approached by a person and said in no uncertain terms, what exactly, you know you've been there three years, what exactly are you going to do to fix the system? The system needs reform. Three nights later, exactly three nights later, I am in a relative of a birth parent's home that had a child removed from that home. And almost verbatim, almost the same comment came out of that person's mouth. You've been there three years; what are you going to do to fix the system? So I guess the point is, we talk a lot about what's been going on, and the problem is systematic, and it's adversarial by nature. And I want to really be clear about this, this bill does not, and is not meant to fix the system. It's not meant to fix an adversarial, or alleviate an adversarial, naturally adversarial system. But the idea, promoting communication, what I brought out in the opening, is not necessarily part of the problem. It's not part of the problem. It's not part of the system's problem, lack of communication or the communication idea. But I think in the long run, it could possibly be, a bill like this could be a part, a small part of the solution someday to what we're trying to accomplish to fix the system. So, that's what I wanted to say. Thanks.

SENATOR BOURNE: Thank you. Are there questions for Senator Friend? I have just a question, comment, observation. You know, a lot of the individuals that testified talked about retaliation, you know. And I'm not opposed to the bill at all, but it might exacerbate the retaliation. If they're offered that opportunity to say what's the problem, you know, it might get worse. And I guess what I'm saying is there's no protection in here for a foster parent who does articulate a problem, you know, voice their concerns, whether it be against the system, HHS, you see where I'm coming from?

SENATOR FRIEND: Very true, Senator Bourne. But I think you would know, and you've dealt with these issues, too, that's there now. I don't think that, even without the notification necessarily to the foster parent and the foster parent being able to share information with a judge, we've

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got those problems now. I think we're adding...could we be potentially adding more adversarial, you know, type of situations on top of the pile that we already have now? Possibly, but again, I think it's a systematic problem. Again, not a solution, but hopefully, promoting, and it's my understanding as I've combed through the language and tried to understand what it's going to accomplish, that we're adding something to it and we're adding information for a judge, potentially. But I don't disagree with you, I guess, Senator. I mean I...

SENATOR BOURNE: Thank you. Further questions for Senator Friend? Seeing none, thank you. That will conclude the hearing on Legislative Bill 770. (See also Exhibits 16 and 21.) I'd like to thank those folks that took the time to come down and talk to us.

SENATOR AGUILAR: Senator Bourne to open on LB 826.

LB 826

SENATOR BOURNE: Thank you, Senator Aguilar, members of the committee. My name is Pat Bourne, B-o-u-r-n-e. I represent the 8th Legislative District, here today to open on Legislative Bill 826. This is a very simple bill. It allows retired clerk magistrates to perform or solemnize marriage ceremonies. I had a constituent approach me this summer who had a close family friend who she wanted to perform her marriage ceremony and found out that this person was a clerk magistrate and is now retired, and would be unable to perform that ceremony. Currently, judges, retired judges, or clerk magistrates, or preachers of the gospel can do it, can perform marriage ceremonies, but there is no provision in law that would allow a retired clerk magistrate to perform this ceremony. And that is simply the intent of this bill.

SENATOR AGUILAR: Thank you. Questions for Senator Bourne? Seeing none, anybody want to testify in favor of this? Opposed? Neutral? Senator Bourne waives closing, I assume?

SENATOR BOURNE: Yes.

SENATOR AGUILAR: That close the hearing on LB 826. (See

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also Exhibit 20)

SENATOR BOURNE: That will conclude the hearings for this  
afternoon. Thank you.